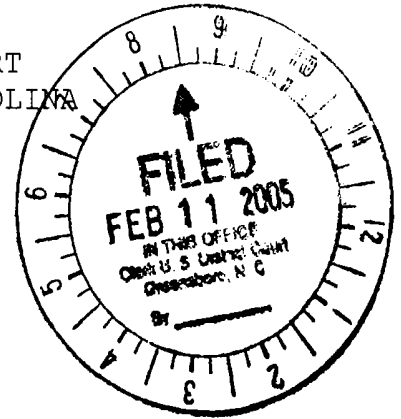


S/khm

14, FEB 11 2005

BY: *khm* IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



CYNTHIA ESTELLE BOOKER,
Individually and as Executrix
for the Estate of Leroy
Douglas, Jr.,

Plaintiff,

v.

1:04CV372

WASHINGTON MUTUAL BANK, FA,
ELIZABETH B. ELLS, DAVID W.
NEILL, as Substitute Trustee

Defendants.

ORDER and JUDGMENT

OSTEEN, District Judge

For the reasons set forth in the memorandum opinion entered contemporaneously herewith,

IT IS ORDERED AND ADJUDGED that Defendant Washington Mutual Bank, FA's Motion to Dismiss [2] and Defendants Ells and Neill's Motion to Dismiss [4] are hereby GRANTED without prejudice.

This the 11 day of February 2005.

William M. Osteen
United States District Judge